

REMARKS

I. Status of Claims

Applicants thank the Examiner for entering the Amendment under 37 C.F.R. § 1.116, and corresponding arguments, filed June 3, 2010, as indicated in the Advisory Action dated June 14, 2010.

Further to the Amendment filed June 3, 2010, claims 1, 9, 10 and 14 are amended.

Claim 1 is amended to incorporate the subject matter of claim 8, and to recite that the ratio of the larger particle size to the smaller particle size in the bimodal peak is smaller than 0.8 with support in the specification at, for example, Fig. 5, Fly Ash 8. Claim 1 is further amended to recite that the flame retardant resin composition has a flame retardancy of V-0 in the UL94V method, which is evaluated on the test piece of the compound molded with an injection molding machine. Support for the amendment can be found at, for example, Table 4 of the specification.

Claim 9 is amended to denote components (a) and (b).

Claim 10 is amended to correct a minor typographic error.

Claim 14 is amended to correct dependence from claim 12.

Claim 8 is canceled without prejudice or disclaimer.

No new matter is added, and the Amendment is being filed concurrently with a Request for Continued Examination (RCE). Accordingly, Applicants respectfully request entry and consideration of the present Amendment.

Upon entry of the Amendment, claims 1, 5-7 and 9-14 will be pending in the present application.

II. Response to Claim Rejections Under 35 U.S.C. § 103(a)

A. Claims 1, 2, 8, 9, 12 and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang et al. (WO 99/37592; “Hwang I”) in view of Goodwin (U.S. Patent No. 3,331,671) and Kulkarni (Studies on Fly Ash-Filled Epoxy-Cast Slabs Under Compression, J. Appl. Polymer Science, 84, 2404-2410 (2002)).

B. Claims 5-7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang I in view of Goodwin, Kulkarni, Chang (U.S. Patent No. 5,505,766) and Nomura et al. (JP 2001-220193; machine translation).

C. Claims 9, 10 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang I in view of Goodwin, Kulkarni and Hwang (U.S. Patent No. 5,047,145; “Hwang II”).

D. Claim 11 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang I in view of Goodwin, Kulkarni, Chang and Nodera et al. (U.S. Patent No. 5,837,757).

Applicants incorporate all of the arguments submitted in traversal of the above-identified § 103 rejections in the Amendment under 37 C.F.R. § 1.116 filed June 3, 2010.

Additionally, the ratio of the larger particle size to the smaller particle size in the fly ash of Kulkarni is approximately 100. See, for example, page 2405, right column, lines 12-16, where one of the clusters has a mean size of 35 μm , while another cluster has a mean size of 0.35 μm . Moreover, 70 wt% or more of the fly ash of Kulkarni does not have a particle size of 20 μm or less. Neither Hwang nor Goodwin cures the above deficiency in Kulkarni with respect to the

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/590,237

Attorney Docket No.: Q96620

presently claimed invention. Accordingly, claim 1 is patentable over the combination of Hwang, Goodwin and Kulkarni. Claims 5-7 and 9-15 are also patentable, at least by virtue of their dependence from claim 1.

Therefore, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejections of claims 1, 5-7 and 9-15.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 3, 2010

Respectfully submitted,



Debodhonyaa Sengupta, Ph.D.
Limited Recognition No. L0578